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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,648

08/02/2006

Hideaki Kiko

AIBARA0003

4356

24203 7590 09/23/2008

GRIFFIN & SZIPL, PC

SUITE PH-1

2300 NINTH STREET, SOUTH

ARLINGTON, VA 22204

EXAMINER

ZHAO, YU

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,648	<b>Applicant(s)</b> KIKO, HIDEAKI	
	<b>Examiner</b> YU ZHAO	<b>Art Unit</b> 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>August 2, 2006, February 20, 2007, March 20, 2007,</u>        | 6) <input type="checkbox"/> Other: _____                          |
| <u>August 31, 2007 and October 11, 2007.</u>   |   |



### **DETAILED ACTION**

1. **Claims 1-10** are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.  
“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Priority date of **February 2, 2004** is given. However, the certified copy has not been filed.

### ***Information Disclosure Statement***

4. The information disclosure statements (IDS) submitted on **August 2, 2006, February 20, 2007, March 20, 2007, August 31, 2007 and October 11, 2007** are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

5. The abstract of the disclosure is objected to because the abstract contains item numbers in Fig. 1. Correction is required. See MPEP § 608.01(b).

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 9 recites “computer readable medium”. Examiner is unable to find support for the above limitation in the Specification.

### ***Claim Objections***

7. Claims 1-10 are objected because of the following informalities: Claim 1 recites “virtual tag community” and “a website of the registered user”. The recited phrases are vague and indefinite and is not clearly understood by one of ordinary skill in the art.

Claims 2-10 are objected as substantially similar as claim 1, for the similar reasons.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

a. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**8. Claim 9 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 9 recites "A computer readable medium", the specification does not clearly define which forms the above medium may take. Such a medium may take many forms, including, but not limited to, non-volatile, volatile and transmission media etc... If the computer readable medium may take the form of the transmission signal, this would render the claim not statutory because it's not tangible.

The claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 2 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (U.S. Pub. No.: US 2002/0054094 A1), in view of Parry (U.S. Pub. No.: U.S. 2002/0178186).**

**For claim 1, Matsuda discloses a community providing server providing a virtual community for a user who has a user terminal connected to the server via a network, the server comprising:**

**a user management information database for storing information concerning registered users who are registered with the virtual community** (Matsuda: page 5, paragraph [0048], "Information on the user registered in the service is stored in the user information DB 21...");

**a contents database for storing contents data constituting the virtual community** (Matsuda: page 4, paragraph [0042], page 5, paragraph [0049], "Information on the community is stored in the community information DB 22. Information such as the community name, object of the community's interest...", page 6, paragraph [0059], "The ROM 54 stores programs (for example, the programs described later on, to run processing for providing services such as electronic bulletin board [BBS] and mailing lists provided to the community members, programs to perform new user registration processing, new community registration processing...").

**However, Matsuda does not explicitly disclose a control means for issuing, for the purpose of mounting a virtual tag community on a website of the**

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**registered user, a community tag that is to be inserted in HTML data constituting the website.**

**Parry discloses a control means for issuing, for the purpose of mounting a virtual tag community on a website of the registered user, a community tag that is to be inserted in HTML data constituting the website** (Parry: page 2, paragraph [0024], "The inventive systems and methods are easier to use and offer a higher degree of customization than other known application service products. Customers may incorporate site search capability into any Web page by simply copying and pasting HyperText Markup Language (HTML) code into the Web page.", page 8, paragraph [0100]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Information processing apparatus, information processing method, service providing system, and computer program thereof" as taught by Matsuda by implementing "Remote URL munging business method" as taught by Parry, because it would provide Matsuda's method with the enhanced capability of "...a significant advantage over other known installation procedures, some of which require up to sixteen hours." (Parry: page 2, paragraph [0024]) and "...allows a hosted service, such as a hosted site search engine, to be easily and seamlessly integrated into a customer's Web site." (Parry: page 2, paragraph [0025]).



**For claim 2, Matsuda and Parry disclose the modified community providing server as defined in claim 1, wherein,**

**the user management information database stores information concerning an avatar that is a character acting for each user in the virtual tag community**

(Matsuda: page 1, paragraph [0003], page 4, paragraph [0044], page 6, paragraph [0063]), **and**

**the control means performs control to show the avatar acting for a user in the virtual tag community (Matsuda: page 4, paragraph [0044]) who is accessing the website having the virtual tag community in the virtual community (Parry: page 2, paragraph [0025], paragraph [0032], page 8, paragraph [0100]).**

**Claim 7** is rejected as substantially similar as claim 1, for the similar reasons.

**For claim 8, Matsuda discloses a virtual community providing method for providing a virtual community for a user who has a user terminal connected to a community providing server via a network, the method comprising:**

**a step for issuing a community tag, by the community providing server, for a user who accesses the community providing server and registers with the virtual community (Matsuda: page 4, paragraphs [0042]-[0043], page 5, paragraph [0048])**

**a step for sending data of contents of the virtual community, by the community providing server, to the user terminal after analyzing the virtual community tag (Matsuda: page 4, paragraphs [0042]-[0043], [0047]).**

**However, Matsuda does not explicitly disclose mount a virtual tag community on a website of the registered user and that accesses the website of the registered user.**

**Parry discloses disclose mount a virtual tag community on a website of the registered user and that accesses the website of the registered user (Parry: page 2, paragraph [0024], page 8, paragraph [0100]).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Information processing apparatus, information processing method, service providing system, and computer program thereof" as taught by Matsuda by implementing "Remote URL munging business method" as taught by Parry, because it would provide Matsuda's method with the enhanced capability of "...a significant advantage over other known installation procedures, some of which require up to sixteen hours." (Parry: page 2, paragraph [0024]) and "...allows a hosted service, such as a hosted site search engine, to be easily and seamlessly integrated into a customer's Web site." (Parry: page 2, paragraph [0025]).

**Claim 9** is rejected as substantially similar as claim 8, for the similar reasons.

**Claim 10** is rejected as substantially similar as claim 2, for the similar reasons.

10. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (U.S. Pub. No.: US 2002/0054094 A1), in view of Parry (U.S. Pub. No.:**

**U.S. 2002/0178186) as applied to claim 1 above, and further in view of DuVal (U.S. Patent No.: U.S. 5,818,836).**

**For claim 3, Matsuda and Parry disclose the modified community providing server as defined in claim 2, wherein, when a user who has not logged into the virtual community accesses the website having the virtual tag community, the user is not in a logged-in state in the virtual tag community (Matsuda: page 4, paragraphs [0046], [0047], page 6, paragraphs [0063]-[0067]).**

**However, Matsuda and Parry do not explicitly disclose the control means performs control to show a specific character.**

**DuVal discloses the control means performs control to show a specific character (DuVal: column 9, lines 4-7, "...includes an icon 108 for initiating an anonymous voice call").**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Information processing apparatus, information processing method, service providing system, and computer program thereof" as taught by Matsuda by implementing "Method and apparatus for anonymous voice communication using an online data service" as taught by DuVal, because it would provide Matsuda's modified method with the enhanced capability of notifying the user the status of other users.

**11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (U.S. Pub. No.: US 2002/0054094 A1), in view of Parry (U.S. Pub. No.:**

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**U.S. 2002/0178186) as applied to claim 1 above, and further in view of Olivier (U.S. Patent No.: US 6,480,885 B1).**

**For claim 4, Matsuda and Parry disclose the modified community providing server as defined in claim 1, wherein,**

**the user management information database stores an address of the website of a user having the website having the virtual tag community among the registered users, and the control means provides information of the address of the website for a user via the virtual tag community** (Olivier: column 14, lines 29-33, "This may include email addresses, geographical data such as a graphical map indicating locations of other users.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Information processing apparatus, information processing method, service providing system, and computer program thereof" as taught by Matsuda by implementing "Dynamically matching users for group communications based on a threshold degree of matching of sender and recipient predetermined acceptance criteria" as taught by Olivier, because it would provide Matsuda's modified method with the enhanced capability of "give the subscribing user feedback at subscription time on the identities and/or other info about what subscribers he has been matched up with" (Olivier: column 14, lines 26-29).

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**12. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (U.S. Pub. No.: US 2002/0054094 A1), in view of Parry (U.S. Pub. No.: U.S. 2002/0178186) as applied to claim 1 above, and further in view of Nagatomo (U.S. Patent No.: US 6,487,557 B1).**

**For claim 5, Matsuda and Parry disclose the modified community providing server as defined in claim 1, wherein,**

**the user management information database stores information of an address of a registered user** (Matsuda: page 5, paragraph [0048], "...the user ID, full name, age, address, electronic mail address...when the user has participated in a community, the community the user participated in is stored in the user DB21, and when the user quits the community, the registered community is deleted.", where "address" is read on name of the community), **and**

**the control means provides the information of the map and the address for a user via the virtual tag community** (Matsuda: page 4, paragraph [0044]).

**However, Matsuda does not explicitly disclose the contents database stores information of a map of the whole virtual community.**

**Nagatomo discloses the contents database stores information of a map of the whole virtual community** (Nagatomo: column 11, lines 40-45, "The layout constructing function unit 112 includes a history management function unit 112A (history management means), a map updating

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function unit 112B (layout data updating means) and a map data providing unit 112C (layout data providing means).”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon “Information processing apparatus, information processing method, service providing system, and computer program thereof” as taught by Matsuda by implementing “Network-access management system and method applied to network and computer program product including computer program recorded on storage medium for creating display data” as taught by Nagatomo, because it would provide Matsuda’s modified method with the enhanced capability of “With this structure, the anchors for the address to which the user accessed, are arranged and displayed like a map. Therefore, the user can select and access information resources easily.” (Nagatomo: column 6, lines 53-56).

**For claim 6, Matsuda, Parry and Nagatomo disclose the modified community providing server as defined in claim 5, wherein the control means searches the registered users on a prescribed condition with reference to the information of the user management information database (Matsuda: page 4, paragraph [0042], [0046], [0047]) and**

**further refers to the information of the map and address, resulting in the control means outputting a result of a search linked to the information of the map** (Nagatomo: column 19, lines 53-59, column 20, lines 39-46).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YU ZHAO whose telephone number is (571)270-3427. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4427.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: 9/17/2008

/Yu Zhao/

Examiner, Art Unit 2169

/Y. W./

**Primary Examiner, Art Unit 2169**

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**/Tony Mahmoudi/**

**Supervisory Patent Examiner, Art Unit 2169**